

STATE OF MICHIGAN



District Court-50th Judicial District

70 North Saginaw, Pontiac, Michigan 48342
(248) 758-3800

Lynette M. Ward
Court Administrator

Honorable Cynthia Thomas Walker, Chief Judge
Honorable Preston G. Thomas, Chief Judge ProTempore
Honorable Michael C. Martinez, District Judge
Honorable Ronda Fowlkes Gross, District Judge

November 14, 2013

Representative Kevin Cotter, Chair
House Judiciary Committee
Anderson House Office Building
124 North Capitol Avenue
Lansing, MI 48909-7514

OPPOSITION TO SB 653

Dear Representative Cotter:

The 50th District Court opposes SB 653 as written, specifically Section 8(C) in its entirety, which would reduce the number of 50th District Court judges to 2 by attrition.

The 2013 State Court Administrative Office Judicial Resources Report does not recommend another judicial reduction for the 50th District Court. The proposed judicial reduction in SB 653 is without any statistical or factual basis. This court is already scheduled to lose one judge by attrition as a result of legislation passed after the 2011 Judicial Resources Report. Please note that while the published 2011 Judicial Resources Report originally recommended the elimination of 2 judges, the State Court Administrative Office ultimately recommended the elimination of only 1 judgeship at 50th District Court based on additional data, and the Legislature adopted this recommendation. *Exhibits A&B reflect the impact of Oakland County Sheriff Department law enforcement on 50th District Court.*

The 50th District Court consistently has the highest felony caseload in Oakland County and the general criminal case numbers continue to increase at this court, despite statewide trends reflecting reduced caseloads in comparable courts. *Exhibits C-F* The majority of the felony cases are bound over for trial to Oakland County Circuit Court, where the 2013 Judicial Resources Report recommends and addition of 2 judges. As a result, Oakland County Prosecutor Jessica Cooper has described the potential reduction of another judge from the 50th District Court as "disastrous".

The reduction of another 50th District Court judge at this time appears inconsistent with Gov. Snyder's attempts to attack crime through a comprehensive system of "smart justice". The Governor is providing additional law enforcement resources to fight crime in Pontiac, which had

been identified as one of the 4 most violent cities in Michigan. Additional law enforcement means more arrests, which results in more criminal prosecutions. 50th District Court's felony caseload is already reflective of the enhanced enforcement and despite our effective use of pre-exam conferences for the last several years, a large number of our felony cases proceed to preliminary exam.

Pontiac's Mayor and City Council oppose a further judicial reduction at 50th District Court. *Exhibit G*. The city is recovering from years of decline and emergency financial management, progress is finally visible and the court is working cooperatively to avoid unnecessary strain on limited city resources. The new city Finance Director is already proposing a new program for income tax enforcement that will add more than 1000 criminal cases within the first year. *Exhibit H*.

Given that some of the newly proposed judicial additions in SB 653 will take place years into the future, there is no reason to recommend an additional reduction at 50th District Court at this time; particularly where the State Court Administrative Office has not recommended it and the increasing criminal caseload does not warrant it.

The 50th District Court opposes SB 653 as written and urges that Section 8(C) of the bill be deleted, or in the alternative, that action on the bill be delayed to allow an opportunity for more deliberate and careful consideration of the negative impact, and to allow meaningful input from law enforcement, judges, litigants, lawyers and the public we serve.

Sincerely,



Cynthia Thomas Walker
Chief Judge – 50th District Court

Attachments

50TH DISTRICT COURT EFFECT OF OAKLAND COUNTY SHERIFF DEPARTMENT ON 2011 CASELOAD

2011 NEW CRIMINAL CASES		June	July	August	September	October
Felony		48	66	88	92	91
Misdemeanor		162	150	272	197	188
2011 NEW TRAFFIC CASES						
Misdemeanor, Civil Infractions & Drunk Driving		June	July	August	September	October
		463	694	1452	2308	1562
		BEFORE		AFTER TAKEOVER		
Comparison of 2010 Felony Cases - All Oakland County District Courts						
Court		# of Judges	New Felony Cases			
D43 Ferndale		3	525			
D44 Royal Oak		2	166			
D45A Berkley		1	36			
D45B Oak Park		2	266			
D46 Southfield		3	618			
D47 Farmington		2	352			
D48 Bloomfield		3	276			
D50 PONTIAC		4	837			
D51 Waterford		2	331			
D52-1 Novi		3	475			
D52-2 Clarkston		2	317			
D52-3 Rochester		3	577			
D52-4 Troy		3	311			

Pontiac finding new hope after police changeover

technology and streamlined management, Pontiac has seen a whopping 400% increase in arrests since Aug. 1.

Citizens used to wait sometimes hours and even days for police to arrive and take a report, but the new force has whittled the average response time to 10 minutes, from the time a call is made to the time a patrol car shows up on the scene.

The call came in a few minutes after midnight.

"There's a woman screaming," the dispatcher told Oakland County Sheriff's Deputy Ian Ramsey as he cruised through Pontiac's neighborhoods in his patrol car.

The woman reported that her boyfriend was beating her. "She said if we don't get there soon, she's going to take matters into her own hands," the dispatcher said.

Two minutes later, Ramsey pulled up to the small ranch house. The woman, her mouth bloodied, stood crying on the porch. Her boyfriend had taken off. Ramsey relayed the man's description on the radio, and 90 seconds later, a second patrol unit arrested him at a Sunoco station a few blocks away.

That incident, which took place earlier this month, might seem a routine police call, but quick response times and arrests are a new and welcome change for Pontiac's 66,000 residents — thanks to the Oakland County Sheriff's Office, which took over policing the troubled city nearly four months ago.

With 74 deputies on the streets — a third more than before the merger — new

But then the financially struggling city began laying off employees. By January, only 50 officers were left, and sometimes only four patrol units were cruising the city at night.

The department was saddled with old equipment and housed in a building that hadn't been painted in years. The patrol cars didn't have such standard equipment as radar. And lower-level employees didn't have basic tools such as e-mail.

An emergency manager, appointed by Gov. Rick Snyder, turned to the county for help, asking for a consolidation that would save the cash-strapped city \$2.2 million a year. The city now pays Oakland County \$10.2 million for police services.

The plan initially was resisted by the department and its union, as police officers worried they would lose their sense of autonomy and identity. But the Sheriff's Office — which hired all 50 Pontiac officers, plus 13 others who had been laid off — took steps to reassure the staff.

On Aug. 1, the Sheriff's Office officially took over.

Pontiac joins a dozen other communities now contracting with the Sheriff's Office, including the townships of Oxford, Orion, Springfield, Oakland, Brandon, Lyon, Commerce, Highland, Independence, Royal Oak and Addison, as well as the City of Rochester Hills.

'An undeveloped gem'

The newly deputized officers got new

equipment and e-mail. They underwent training on county protocol. The headquarters on Pike Street, now a county substation, is being painted by inmates.

Oakland County Sheriff Michael Bouchard sent exercise equipment over from the county and created a gym in the basement.

"We wanted to make sure there was a positive work environment," Bouchard said. "And we wanted them to know that we care about them as individuals. I am very proud of how the people we hired were absorbed into our department."

Bouchard said he hopes to work with businesses, schools and neighborhoods to help the city rise again.

"We think of it as an undeveloped gem that has been challenged over the years, but is being rediscovered," he said.

For the police officers who are now deputies, the transition brought a sense of relief.

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"I would go to work every day and wonder if I had a job," said Raymond Wiggins, who spent 12 years on the Pontiac Police Department before becoming a deputy. "Now, I just come to work and do what I want to do -- police work, the best job in the world."

The change also frees up deputies from the time-consuming chores of processing arrests, keeping more officers on the streets. Before, an arrest required two hours of paper work and booking procedures. Now, deputies in Pontiac drop the newly arrested off at the Oakland County Jail, where staff do the booking.

'Proactive, not reactive'

The transition has had other effects -- including a marked increase in arrests for drunken driving and domestic violence.

Wiggins, on afternoon patrol earlier this month, said a drunken-driving arrest before meant three hours off the road to obtain breath tests, search warrants and blood work at local hospitals. Now, deputies call the sheriff's Alcohol Enforcement Team, which arrives on the scene and frees up deputies to get back on the road.

Before Aug. 1, domestic violence calls, which require fast intervention, were often backed up for hours. Witnesses would disappear or victims would change their minds about pressing charges.

"We're back to being proactive, not reactive," Wiggins said.



At Three Sisters Market on Huron Street, a Pontiac mainstay since 1913, the current owners say they had grown weary and frustrated with break-ins, robberies and vandalism at their business. It would take hours for police to arrive and take a report -- if they did at all, the owners say.

At 4:40 a.m. Oct. 29, two men pried open the door to the small store, setting off an alarm. Surveillance cameras show the men rushing through the store in three minutes and then escaping shortly before the first Oakland County deputies arrive. The deputies' response time was four and a half minutes.

"That never happened before," said Bradley Seiba, whose family has owned the store since 1997. "It would have been hours and hours."

Oakland County investigators, armed with pictures of the two men taken from the store's cameras, have now identified them from the neighborhood and say they expect to make arrests soon.

"These people who do these things, they are like mice who eat our food," Seiba said. "Now we have someone who can scare the mice away."

Making a difference

Although it's still too early to measure crime reduction in hard numbers, the mere presence of the 10 or 12 black Impalas with the sheriff's logo cruising each shift has made a difference, residents say.



Although the county had anticipated some jail overcrowding as a result of the Pontiac changeover, it has been minimal, records show, because many of those arrested bond out.

However, the consolidation has had a rippling effect on other county government. The Oakland County Prosecutor's Office is grappling with a 300% to 400% increase in warrant requests, Prosecutor Jessica Cooper estimated.

"When I took office, we became very much aware of the gangs, the drug houses, the crime," Cooper said. "It got to the point that what the Pontiac Police Department was essentially doing was triage."

Cooper has now assigned all of the attorneys in her office to write warrants. That job was once in the hands of a few.

"Everybody is carrying water around here, including me," she said.

On the scene quicker

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Ron Tolbert, 21, who has lived in Pontiac since 2005, said his neighborhood, the Stonegate Pointe subdivision off Elizabeth Lake Road, had been plagued by transients who trespassed and slept under people's decks.

"We never saw police," he said. "Now, they're there all the time. You see them driving through the neighborhood."

The transient problem has ended with the kicked-up police presence, he said. It gives people hope about their city.

"I've seen good times and bad times in Pontiac," said Phylliss Williams, 50, who has lived in the city for 30 years. "I think the good times will come again."

Contact L.L. Brasier, or lbrasier@freepress.com

48th District

Birmingham and West Bloomfield Twp.

Current Judgeships

3 District

Judicial Resources Recommendation: Judicial Excess of 0.7 District Judges. The report recommends removing one judgeship by attrition.

The bill would eliminate one District judgeship.

Outside Date of Judgeship Removal: 2033

50th District

City of Pontiac

Current Judgeships

4 District

Judicial Resources Recommendation: Judicial Excess of 1.8 District Judges. The report recommends removing two judgeships by attrition. However, based on additional data showing an increased caseload since the Oakland County Sheriff's Department took over the Pontiac Police Department, SCAO revised the recommendation to remove just one judgeship.

Proposal: Eliminate one District judgeship.

Outside Dates of Elimination: 2023

HB 5104

18th Circuit,
74th District

Bay County

Current Judgeships

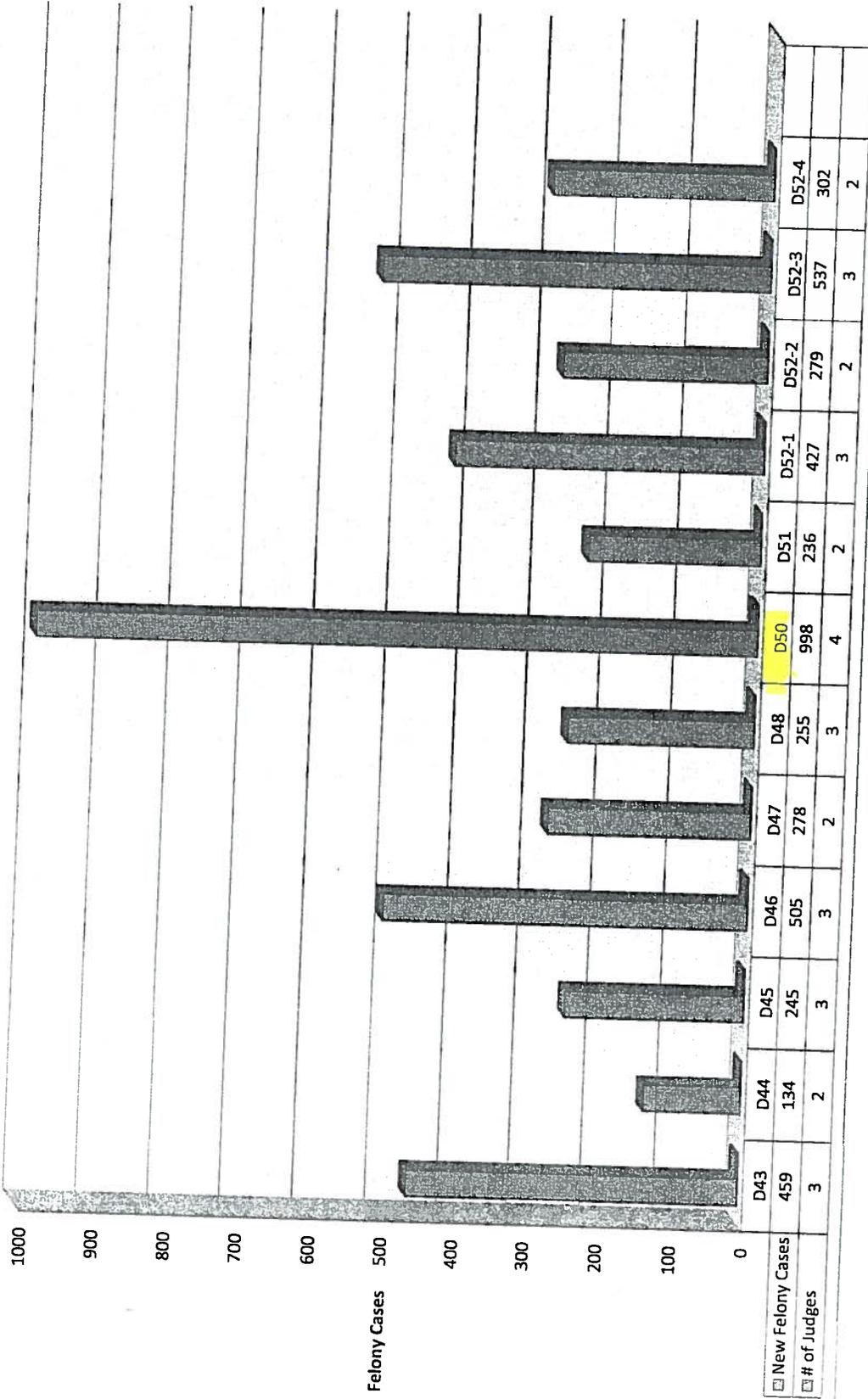
3 Circuit	1 Probate	3 District
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Judicial Resources Recommendation: Judicial Excess of 0.7 Probate/Circuit judges and 1.0 District Judges. The report recommends removing two judgeships by attrition.

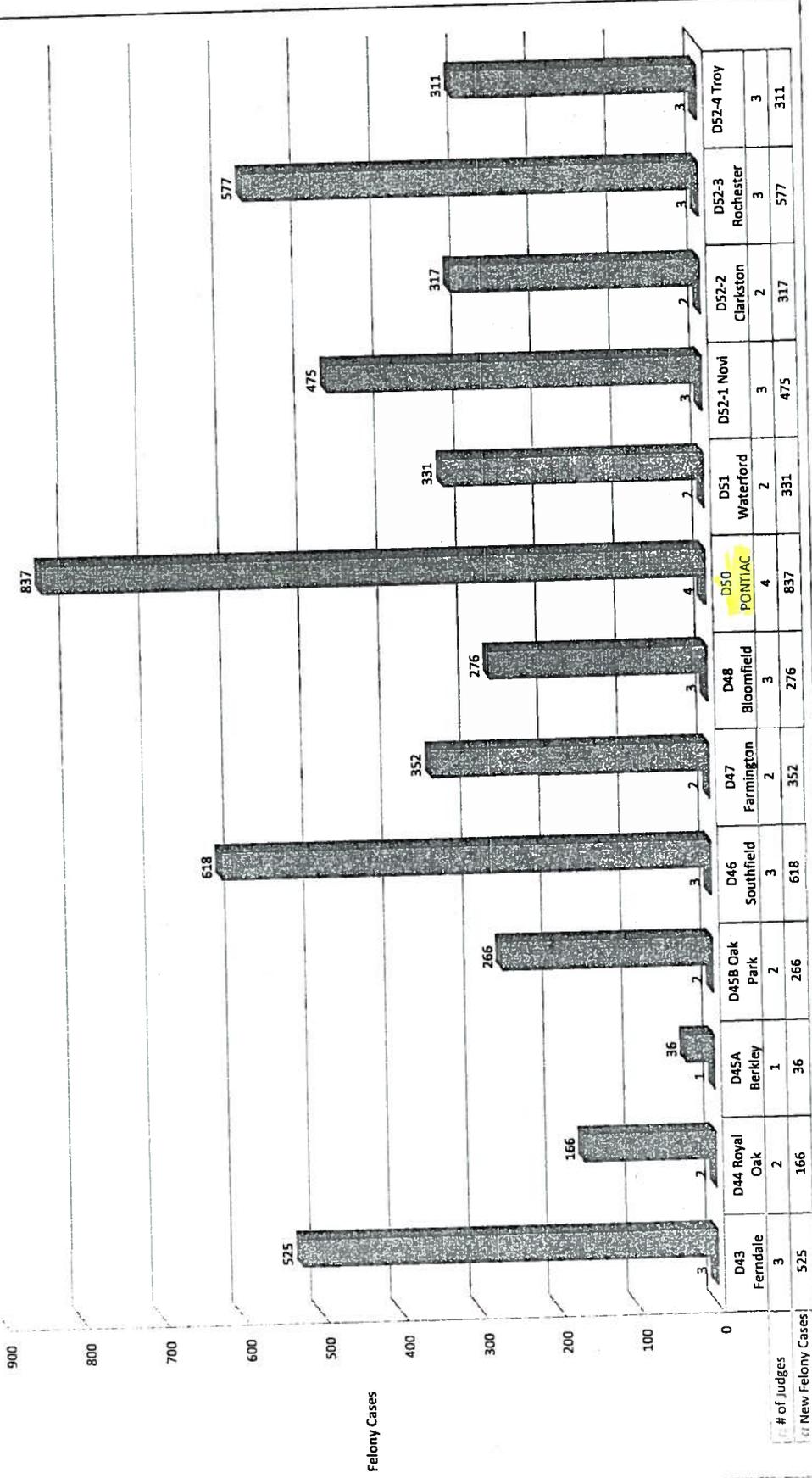
The bill would eliminate one Circuit judgeship and one District judgeship.

Outside Date of Judgeship Removal: 2021 for Circuit, 2029 for District

2012 Oakland County District Court New Felony Case Filings

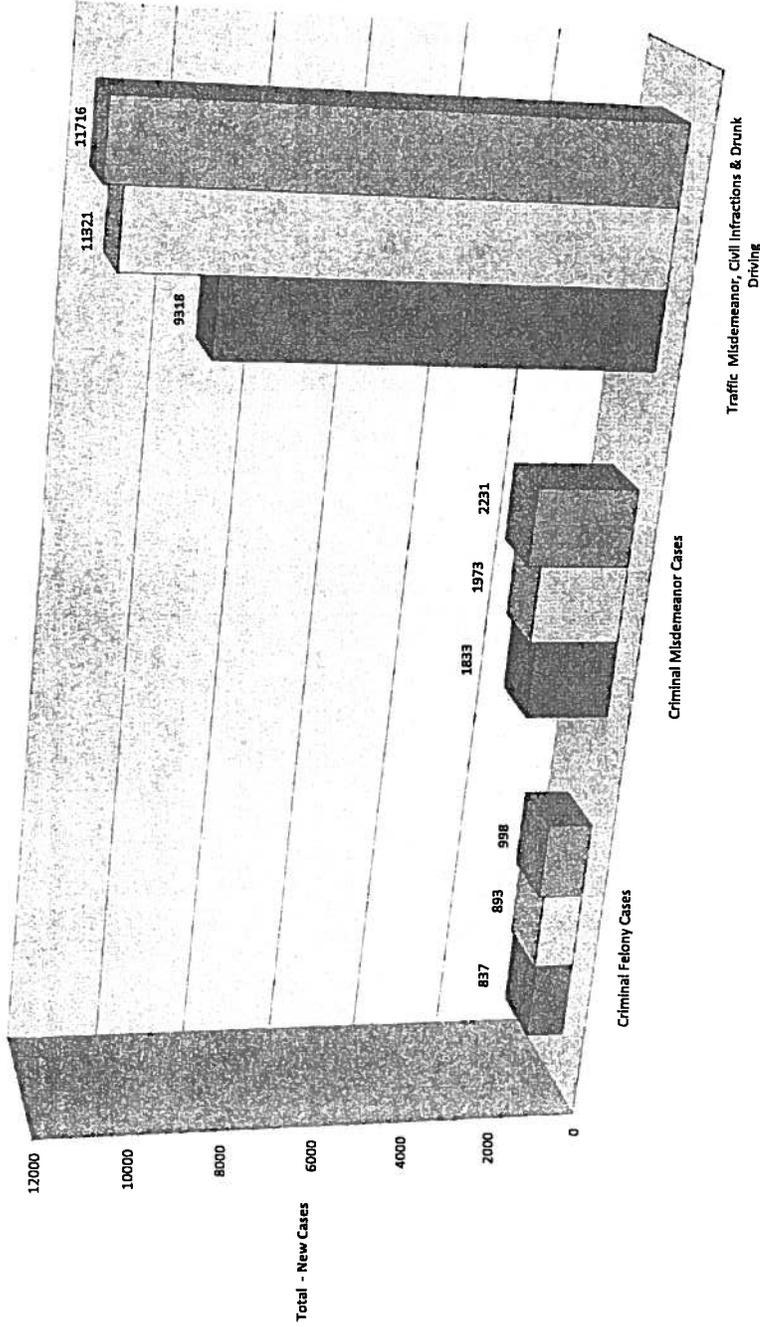


2010 Oakland County District Court
New Felony Case Filings



of Judges
New Felony Cases

50th District Court New Case Filings



	Criminal Felony Cases	Criminal Misdemeanor Cases	Traffic Misdemeanor, Civil Infractions & Drunk Driving
2010	837	1833	9318
2011	893	1973	11321
2012	998	2231	11716

Comparison Group	District Court Code and Jurisdiction	Census	Felony	Percent Change from 2008	Misdemeanor	Percent Change from 2008	Civil Infraction	Percent Change from 2008	General Civil	Percent Change from 2008
Third Class -										
Medium	D19 Dearborn	98,153	533	-14%	10,467	14%	45,430	-3%	4,663	-1%
	D16 Livonia	96,942	446	-4%	5,196	1%	29,422	-21%	2,127	-21%
	D33 Woodhaven, etc	90,549	256	-31%	3,542	-15%	11,756	-21%	2,848	-8%
	D46 Southfield, etc	90,361	533	-32%	3,951	-35%	38,210	23%	5,467	-8%
	D47 Farmington, Farmington Hills	90,112	304	-47%	3,180	-26%	17,373	-26%	2,707	-10%
	D18 Westland	84,094	215	-34%	7,777	-16%	18,952	-8%	3,345	-21%
	D34 Romulus, etc	82,229	453	-28%	6,877	-5%	56,147	-7%	3,330	-27%
	D62A Wyoming	72,125	459	-8%	7,437	32%	6,854	-35%	2,777	-15%
	D51 Waterford Twp.	71,707	261	-36%	1,394	-46%	4,030	-62%	2,478	-11%
	D43 Ferndale, Hazel Park, Madison Hts	66,016	494	-38%	7,520	2%	63,523	98%	2,762	-17%
	D23 Taylor	63,131	364	-28%	3,613	-24%	18,148	-64%	2,642	-20%
	D39 Fraser, Roseville	61,779	712	-22%	4,722	-8%	20,228	-5%	2,598	-13%
	D40 St. Clair Shores	59,715	464	-6%	6,181	19%	18,027	-1%	2,033	-12%
	* D50 Pontiac	59,515	1,035	1%*	5,204	34%*	11,305	-15%	2,698	-32%
	D20 Dearborn Heights	57,774	266	-23%	2,702	-11%	24,352	-51%	2,689	7%
	D44 Royal Oak	57,236	157	-39%	2,969	-11%	106,441	6%	1,585	-12%
	D25 Ecorse, Lincoln Park	55,559	441	-2%	5,721	7%	17,989	-18%	2,306	-22%
	D14B Ypsilanti Township	53,362	492	-4%	2,739	-14%	4,196	-38%	2,470	-9%

Felony = EX, FY, FD, FT
 Misdemeanor = OM, SM, OD, SD, OT, ST
 Civil Infraction = OI, SI, ON, SN, OK, SK
 General Civil = GC, GZ
 Courts are sorted in descending order by population.

Comparison of Caseload Trends
 in Comparable Medium Sized
 Third Class District Courts

EXHIBIT F

City of Pontiac

Pontiac City Council Resolution

Whereas, The Michigan Senate adopted and passed Senate Bill 653 on October 30, 2013, and send it to the Michigan House of Representatives on that date; and

Whereas, Senate Bill 653 as passed would reduce the number of judgeships in the 50th District Court from 3 to 2: and,

Whereas, The State Court Administrative Office issues a detailed Judicial Resources Report every other year, resulting in recommendations for additions or elimination of judgeships;

Whereas, on June 2013 The Judicial Resources Department does not recommend that the number of 50th District Court Judgeships be further reduced.

Whereas, there appears to be no statistical or other reason for the number of judges at The 50th District Court to be reduced at this time.

Now, Therefore Be, it Resolved, The Pontiac City Council, hereby opposes Michigan Senate Bill 653 as passed and further asks for input and communication with the legislative bodies of the State of Michigan before any such action pertaining to the 50th District Court takes place; and,

Be It Further Resolved, that the Pontiac City Council designates Patrice Waterman to be the contact person for this Resolution.

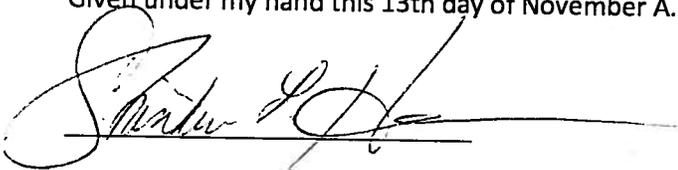
The Pontiac City Council approved this resolution at a Regular Meeting held on November 7, 2013.

Moved by Councilperson Peitila and supported by Councilperson Carter.

Ayes: Carter, Jones, Pietila, Waterman, Watkins, G. Williams, & K. Williams.

No: None

Given under my hand this 13th day of November A.D. 2013



Sherikia L. Hawkins

City Clerk

EXHIBIT G



CITY OF PONTIAC
DEPARTMENT OF FINANCE
NEVRUS P. NAZARKO, CPA
47450 Woodward Avenue
Pontiac, Michigan 48342
Telephone: (248) 758-3118
Fax: (248) 758-3188

November 13, 2013

Honorable Judge Walker,

Thank you for agreeing to meet and discuss the issue of delinquent income tax issue that City of Pontiac is currently facing.

Our records indicate that the delinquent income tax accounts have been a problem for many years dating back from the mid 1980's. Currently in our books, we have 3.9 million dollars in past due accounts to be addressed. However, the delinquent amount in the last eight years (2005-2012), which we have better probability to collect is \$1.3 million dollars.

We would like to start a program with your court that allows the City to collect on past delinquent accounts.

The City Income Tax Act 284 of 1964, section 141.686 as enacted by the State of Michigan states:

"If an employer or taxpayer files a return showing the amount of tax or withholding due the city or the department, but fails to pay the amount to the city or the department, the administrator or the department is not required to issue a proposed assessment, notice of intent to assess, or a final assessment. The administrator or the department shall issue a 10-day demand for payment and if no payment or satisfactory evidence of payment is made in the 10 days the administrator or the department may recover the tax with interest and penalties in the name of the city in any court of competent jurisdiction as other debts are recoverable, or prosecute for violation of this ordinance under section 99, or both".

Having already exhausted the option of the 10 day demand, we would like to bring court action to enforce the ordinance per the above provision.

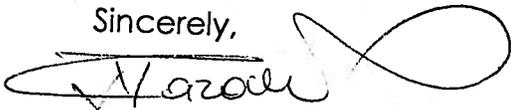
EXHIBIT H
(2 pages)

In cooperation with our law department, we are preparing to file the complaints with your court on the past delinquent accounts and are projecting to file approximately 1000 cases within the first year, (80-100 monthly cases). The court action will be ongoing years to come, as on average we experience anywhere from 1,000 to 1,500 of non-filers every tax year.

Given the financial difficulties that our city is facing, this program will not only clear the backlog of past due accounts but will bring some much needed revenue into our city as well.

Your cooperation and help is very much appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Nevrus P. Nazarko". The signature is stylized with a large, looping flourish that extends to the right and then loops back down to the left, crossing over the name.

Nevrus P. Nazarko

